

Approved by: \_\_\_\_\_

HAMZAD KHAN

Special Assistant United States Attorney

Before: THE HONORABLE KIM P. BERG  
United States Magistrate Judge  
Southern District of New York

UNITED STATES OF AMERICA

MISDEMEANOR  
COMPLAINT

-v-

Violation of  
38 C.F.R. 1.218(a) (7)

TYRONE D. POUGH

**23MAG6882 (KPB)**

Defendant

COUNTY OF OFFENSE:  
WESTCHESTER

SOUTHERN DISTRICT OF NEW YORK, ss:

GARY S. FISHKIN, being duly sworn, deposes and says that he is a Police Officer, assigned to the Department of Veterans Affairs Police Service, Montrose Veterans Administration Hospital, Montrose, New York, which is located in the Southern District of New York, and charges as follows:

COUNT ONE

On or about December 18, 2022, at the Montrose Veterans Administration Hospital, Montrose, New York, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York, TYRONE D. POUGH, the defendant, unlawfully, knowingly and willfully brought a narcotic on Veterans Administration property, to-wit: the defendant was found in possession of a liquid that tested positive for methadone.

(38 Code of Federal Regulations, 1.218(a) (7))

The basis for the deponent's knowledge and for the foregoing charges are, in part, as follows:

1. I am a Police Officer, assigned to the Department of Veterans Affairs Police Service, Montrose Veterans Administration Hospital, Montrose, New York, which is located in the Southern District of New York.
2. Upon information and belief, on or about December 18, 2022, at approximately 5:30 p.m., VA police were dispatched to Building 12 for officer assistance. PO Rios and PO Carney arrived and met with Environmental Management Services (EMS) supervisor, Mr. Alexis Comacho. Mr. Comacho indicated he was concerned about his employee, the defendant.
3. POs Rios and Carney transported the defendant to VA Urgent Care for evaluation. Mr. Comacho also went to the Urgent Care. The nurse at the Urgent Care asked Mr. Comacho why they were there and Mr. Comacho stated he had asked the defendant if he was using and the defendant indicated he was high on drugs. POs Carney and Rios decided to search the defendant prior to the doctor arriving for the medical staff and officer safety. The defendant granted permission for the search. They located a straw on the defendant and he admitted he used it to snort drugs. The doctor arrived and said the defendant was coherent but not in a condition to work his shift.
4. POs Carney and Rios escorted the defendant back to Building 12 and asked him if he had any other items that could be considered contraband. The defendant stated no and PO Carney asked if he could search his backpack and the defendant agreed. PO Carney located a clear bottle containing a pink liquid. PO Carney asked the defendant what was in the bottle and the defendant indicated it was his methadone that he was taking "off-label."
5. The item was confiscated by the police and Mr. Comacho escorted the defendant to the Metro North train station so he could return home safely.
6. On December 19, 2022, Investigator Luciano conducted a Mobile Detect Field Test of the liquid substance and the field test came back for the presence of cocaine. On July 10, 2023, the liquid was taken to the New York State Police Mid-Hudson Satellite Crime Laboratory for drug analysis

testing. On July 20, 2023, the results came back that the substance was methadone, a schedule II drug.

7. On August 9, 2023, the defendant was fingerprinted and photographed and issued a United States District Court Violation Notice for unauthorized introduction on VA property of a narcotic drug, (DCVN Number 9044978/SY53) and was released.

**WHEREFORE**, deponent prays that the above-named defendant be imprisoned or bailed, as the case may be.

  

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GARY S. FISHKIN  
VA Police Service

Sworn to before me this  
20th day of October, 2023

  

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HONORABLE KIM P. BERG  
United States Magistrate Judge  
Southern District of New York